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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,033	03/23/2001	George Harry Hoffman	41556/04023	6176
22428	7590	06/17/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ZEENDER, FLORIAN M	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,033

Applicant(s)

HOFFMAN ET AL.

CB

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,9,11-13,15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,9,11-13,15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04292004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1, 3, 5-7, 9, 11-13, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. in view of Duffy et al.

Shavit et al. disclose, or inherently teach, all of the limitations of the claims including: supply chain management using a network; receiving data from a plurality of outlets; generating an electronic order (See for example Col. 6, lines 19-51); transmitting data from product outlets to distributors and suppliers (See for example Col. 6, lines 9-13); forecasting activity in the supply chain using the data (See for example Col. 7, line 19); registering the users (see for example, Col. 6, lines 9-13), security and limited access (see for example, Col. 9, lines 43-56), use of identity and password data (see for example, Col. 10, lines 1-15), maintaining a registered users list (see for example, Col. 11, lines 22-35)

Shavit et al. lack the specific teaching of receiving data relating to completed sale amounts of home products of a home product franchise whereby the sales are not generated by sales via the network; and generating an electronic order form based on the data.

Duffy et al. teach a similar supply chain management system whereby data relating to sale amounts not generated by sales via the network are received (See for example, Duffy et al. paragraph 0056); and generating an electronic order based on accounting and inventory information (See for example Duffy et al., paragraph 0046).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify Shavit et al. to include the receipt of data relating to completed sales amounts whereby the sales are not generated by sales via the network, and to generate electronic orders based on the sales information, in view of Duffy et al., in order to “save significant time and cost for buyers attempting to obtain items and suppliers attempting to provide items” (See Duffy et al., paragraph 0028).

It would have been an obvious design choice at the time of the invention to one of ordinary skill in the art to have the products include “home products” from a home product franchise, in order to provide a system that can “cut inventory costs at each level of the distribution chain and permit new and previously impossible or impractical transactions and business arrangements” (Shavit, Col. 2, lines 1-5), and thus be able to pass on the lower costs to end users for home use.

Response to Arguments

Applicant's arguments filed 4/29/04 have been fully considered but they are not persuasive. The applicant argues on page 10 of his response that Shavit et al. does not disclose or suggest the receipt of “POS data”. However, the pending claims do not recite receiving Point-of-Sale data at all. The claims only recite “receiving data... the data **relating** to the completed sale amounts of home products”. There is no specific mention of POS data, thus, the applicant's argument with respect thereto is moot.

Further, the applicant argues that Shavit et al. does not disclose the concept of an independent supply chain manager performing the operations listed in the claims. However, again the claims do not specifically state that the manager performs the

operations of the claims. It is the computer that appears to perform the operations and Shavit et al. in view of Duffy et al. teach all of the limitations described.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9327 for after-final communications.

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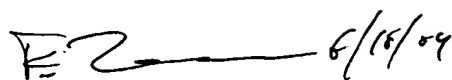
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F. Zeender

Primary Examiner, A.U. 3627

June 10, 2004

A handwritten signature, likely of F. Zeender, followed by the date 6/18/04. The signature is written in a cursive, stylized manner.